



## Board of Adjustment Case Report

City of Raleigh  
Planning & Development Department  
One Exchange Plaza  
Raleigh, NC 27601  
(919) 996-2475  
[www.raleighnc.gov](http://www.raleighnc.gov)

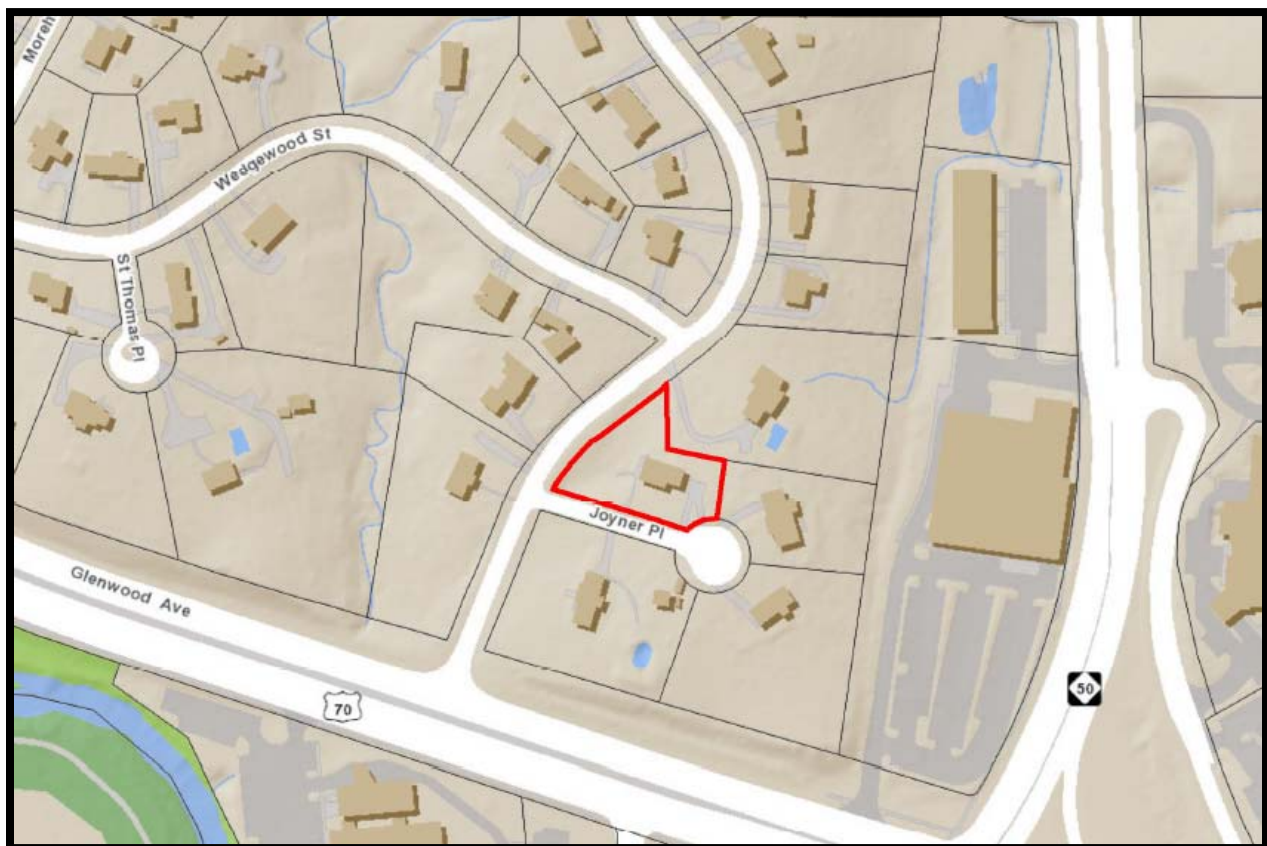
**Case File:** A-49-16

**Property Address:** 4610 Joyner Place

**Property Owner:** Kenneth and Ann Gray

**Project Contact:** Kenneth Gray

**Nature of Case:** A request for a 7.82' front yard setback variance to legalize the existing house, a 15.6' front yard setback variance pursuant to Section 2.2.1 of the Part 10A Unified Development Ordinance and a Special Use Permit to expand the house by 15%, pursuant to Sections 5.4.3.A.3. and 10.3.6. of the Part 10A Unified Development Ordinance to allow for an expansion of the existing detached house that results in a 34.4' front yard setback on a .78 acre property zoned Residential-4 and Neighborhood Conservation Overlay District.



**4610 Joyner Place – Location Map**

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**To BOA:** 5-9-16

**Staff Coordinator:** Eric S. Hodge, AICP

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**ZONING**

**DISTRICTS:** Residential-4 and Neighborhood Conservation Overlay District (Brookhaven – South District)



**4610 Joyner Place – Zoning Map**

**VARIANCE STANDARDS:** In accordance with UDO [§10.2.10 Variance](#), before a variance request is granted, the Board of Adjustment shall show all of the following:

1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

2. The hardship results from conditions that are peculiar to the property, such as location, size or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
4. The requested variance is consistent with the spirit, purpose and intent of the ordinance, such that public safety is secured and substantial justice is achieved.

**Setback Standards:** The subject property is zoned Residential-4 and -NCOD

<b>R-4: Yard Type</b>	<b>Minimum Setback</b>
Primary Street	20'
Side Street	15'
Side	10'
Sum of Sides	20'
Rear	30'

**Neighborhood Conservation Overlay District: Brookhaven Neighborhood**

**a. South District (south of Millbrook Road)**

- i. Minimum lot size: 20,000 square feet.
- ii. Lot width at the building setback line: Minimum of 100'.
- iii. **Front yard setback: Minimum of 50 feet..**
- iv. Maximum building height: 2½ Stories.

**Sec. 5.4.3. Neighborhood Conservation District (-NCOD)**

**A. Applicability**

1. No building structure, street, right-of-way or greenway shall be constructed, moved, altered, changed or increased in size within a –NCOD except in conformity with the regulations contained in this section for the adopted –NCOD.
2. All lots and structures existing at the time the -NCOD is first applied to the property shall not be deemed nonconforming solely because of this overlay district.

**3. All additions, changes, expansions and alterations to existing structures, impervious surfaces and uses must comply with the regulations of the –NCOD, unless the Board of Adjustment under Sec. 10.3.6. approves the addition, change, expansion or alteration as if the existing structure or use were made nonconforming by application of a –NCOD.**

### **Sec. 10.3.6. Special Use Permits for Nonconformities**

#### **A. Special Use Permit Required**

All special use permits authorized in this section shall be processed, noticed and heard in accordance with Sec. 10.2.9. After the issuance of a special use permit by the Board of Adjustment in accordance with Sec. 10.3.6.B., one or more of the following activities can be made to a zoning nonconformity.

1. Repair and maintenance work not authorized by either Sec. 10.3.2.B. or Sec. 10.3.3.C.
2. Fixing and replacing damage and destruction authorized by Sec. 10.3.2.G.1. and Sec. 10.3.2.G.3. and by Sec. 10.3.3.G.1. and Sec. 10.3.3.G.3.
3. The expansion, extension or alteration of a nonconforming use or vehicular surfaces serving a nonconforming use (including nonconforming principal use parking facilities) when all of the following are met:
  - a. The expansion, extension or alteration complies with all requirements of this UDO including but not limited to: height, bulk, setback, off-street parking, impervious surface coverage and access.
  - b. The expansion, of a nonconforming use does not, singularly or collectively, exceed 25% of the total gross area occupied by the original nonconforming use. If the original nonconforming use occupied a portion of a building and that building has not been enlarged since the establishment of the nonconformity, that original nonconforming use may be extended beyond 25% within the interior portions of the building.
  4. The change of an existing nonconforming use to another nonconforming use provided that all of the following are met:
    - a. The use will have no greater adverse affect on the surrounding property in terms of automobile or truck traffic, on-street parking, noise, stormwater, vibration and hours of nighttime operation than the existing use.
    - b. Any change to a limited use or special use complies with applicable requirements of Chapter 6. Use Regulations.
    - c. The proposed substitute nonconforming use is allowed in the zoning district of the highest classification in which the existing nonconforming use would be a conforming use. The determination of the classification of the use shall be based on Planning and Development Officer.
    - d. Once a nonconforming use is changed to a higher classification, it may not thereafter be changed to a nonconforming use of a lower classification, including a change back to the original nonconforming use.
    - e. The substitution of a nonconforming impervious surface for another, the replacement of a substandard nonconforming manufactured home and the change of use of a nonconforming use to a conforming use may all be done without a special use permit from the Board of Adjustment if the applicable provisions of Sec. 10.3.5., Sec. 10.3.3.E., Sec. 10.3.2.B. and Sec. 10.3.3.B. are met.
5. The relocation onto its same premise of either a nonconformity or a nonconforming private access point, is allowed; provided the relocation reduces the extent of the nonconformity and more closely conforms to the standards contained in this UDO.
6. The expansion, change, addition and alteration of a building or use which fails to comply with the regulations of a -TOD, -NCOD, -MPOD, CM District; provided all of the following are met:

**a. The expansion does not, singularly or collectively, exceed 25% of the total gross floor area of the building or use existing at the time the zoning district regulations was first applied to the property.**

b. The building or use existed at the time the zoning district regulations were applied to the property.

c. The proposed activity complies with all requirements and regulations of this UDO other than the zoning district regulations.

## **B. Showings for Granting Special Use Permit for Nonconformities**

1. Before a request for the special use permit is granted, the Board of Adjustment must show that all of the following are met:

a. The applicable standards of this section have been met;

b. All of the showings of Sec. 10.2.9.E. have been met; and

c. The requested repair, reconstruction, expansion, change of use to a different nonconforming use or relocation will not be injurious to property or improvements in the affected area

2. In acting upon a petition for a special use permit, the Board cannot order the discontinuance or termination of the nonconformity.

3. If a special use petition is denied, the continuation of the nonconformity and the activities allowed In Sec. 10.3.2. and Sec. 10.3.3. without a special use permit is still allowed unless otherwise prohibited by law. This policy is adopted to encourage the owners of nonconformities to apply for special use permits to improve and bring into conformance to the extent possible their property.

### **Sec. 10.2.9.E. Showings**

Before a Special Use Permit request is granted, the Board of Adjustment shall show that all of the Following are met:

1. The proposed use complies with all applicable provisions of this UDO unless otherwise expressly modified in accordance with this UDO;

2. The proposed use is allowed as a special use in the respective zoning district (see Chapter 6. Use Regulations);

3. The proposed use complies with any specific use standard listed in Chapter 6. Use Regulations without the granting of any variance to the specific use standard;

4. The proposed use is compatible with adjacent uses in terms of location, scale, site design, hours of operation and operating characteristics;

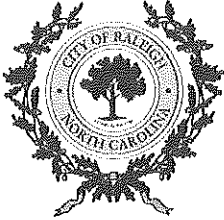
5. Any adverse impacts resulting from the proposed use in the affected area will be effectively mitigated or offset or the special use is denied;

6. Access with respect to pedestrian, bicycle and automotive safety, traffic flow and emergency service is adequate;

7. Signage is suitable and appropriate; and

8. Any appropriate dedications of streets and utilities to the public will be made prior to the issuance of a building permit.





# Planning & Development

Development Services  
Customer Service Center  
One Exchange Plaza  
1 Exchange Plaza, Suite 400  
Raleigh, North Carolina 27601  
Phone 919-996-2495  
Fax 919-516-2685

## Variance Application

		OFFICE USE ONLY
<b>Nature of variance request (Submit addendum on separate sheet, if more space is needed.)</b> For a proposed addition to the existing primary residence, we request a 15.6' variance from front yard setback requirement specified in the UDO for the Brookhaven Neighborhood Conservation Overlay District. Additionally, to legalize the existing original structure, we request a 7.82' variance from the front yard setback requirement as well.		Transaction Number
<b>Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions or Pre-Submittal Conferences. If this property was the subject of a previous variance request, provide the case number.</b> N/A		

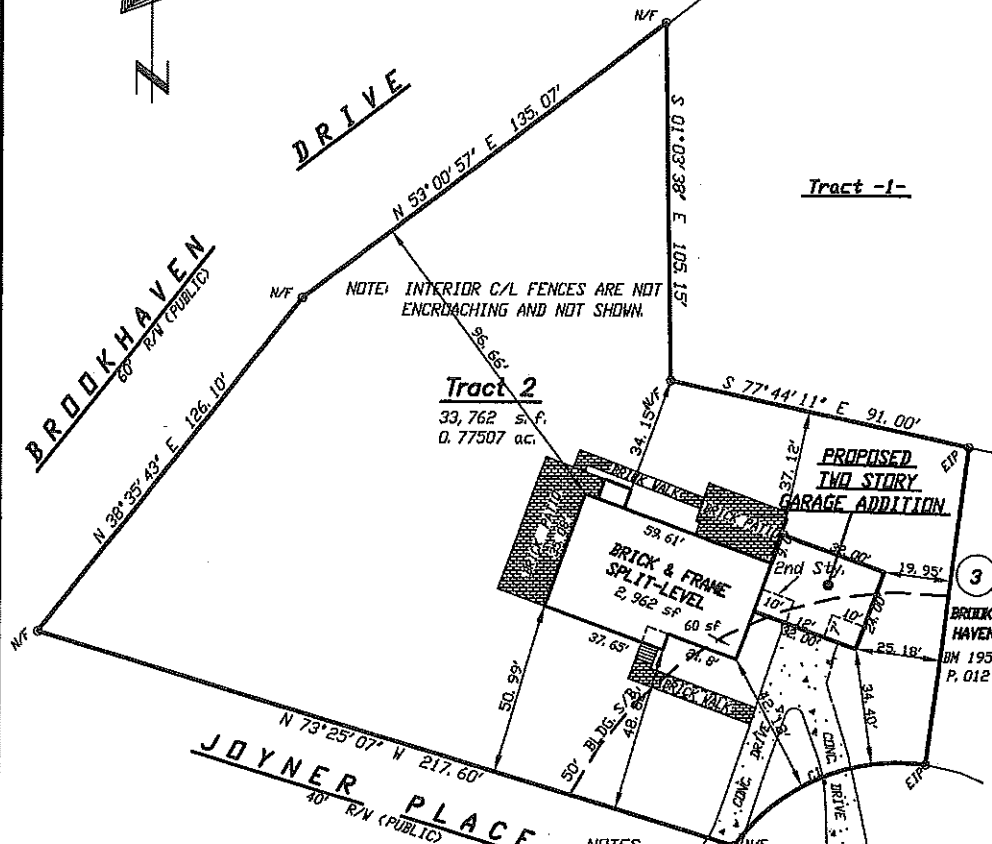
GENERAL INFORMATION		
Property Address 4610 JOYNER PLACE		Date 03/10/16
Property PIN 0796420634	Current Zoning R-4	
Nearest Intersection BROOKHAVEN DRIVE & JOYNER PLACE		Property size (in acres) 0.78
Property Owner KENNETH STEWART GRAY & ANN ELIZABETH GRAY	Phone 919-931-1947	Fax N/A
	Email KSGRAY52@YAHOO.COM	
Project Contact Person CARL CALDWELL	Phone 919-795-9489	Fax
	Email CCALDWELL@NC.RR.COM	
Property Owner Signature <i>Kenneth Stewart Gray</i>	Email KSGRAY52@YAHOO.COM	
Notary <i>Beth S. Godwin</i> Sworn and subscribed before me this <u>9th</u> day of <u>March</u> , 20 <u>16</u>	Notary Signature and Seal <i>Beth S. Godwin</i> 	

It is improper to contact any member of the Board of Adjustment prior to the disposition of a case to discuss the request. A variance application will not be considered complete until all required submittal components listed on the Variance Checklist have been received and approved.

# PRELIMINARY PLAT



POST-CONSTRUCTION  
Impervious Surface Area  
House/Garage = 1,750 s. f.  
(Garage = 800 s. f.)  
Conc. Drive = 975 s. f.  
Patios/Sidewalks = 1405 s. f.  
Total = 4,130 s. f.  
Percent = 12.23%



## NOTES

### NOTES

1. NOT FOR CONVEYANCE OR SALES.
2. THIS IS A PHYSICAL SURVEY ONLY.
3. NOT FOR INCLUSION ON THE PUBLIC RECORD.
4. THIS PLAT DOES NOT COMPLY WITH G. S. 47-30.

House area = 2,962 s. f.  
In 50' Bldg. S/B = 60 s. f.)  
1st Floor Garage = 768 s. f.  
In 50' Bldg. S/B = 262 s. f.)  
2nd Floor Garage = 575 s. f.)  
In 50' Bldg. S/B = 185 s. f.)

CURVE DATA					
CURVE	ARC	DELTA	RADIUS	CHD LEN	CHORD BEARING
C1	64.46	61°33'14"	60.00	61.40	S 66°48'55" W

## PROPOSED GARAGE ADDITION

ADDRESS: 4610 JOYNER PLACE

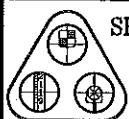
Map Book 2002 Vol --- Page 862 Deed Book --- Pg --- County of WAKE

Tract 2 SUBDIVISION BROOKHAVEN

I HEREBY CERTIFY THAT THIS MAP IS CORRECT AND THAT THE BUILDING FOUNDATION LIES WHOLLY ON THE LOT AND THAT THERE ARE NO ENCROACHMENTS ON SAID LOT EXCEPT AS NOTED. I FURTHER CERTIFY THAT THIS PROPERTY DOES NOT LIE IN A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY FEMA.

## PRELIMINARY

Surv'd	SHS	Drawn	SHS	Chk'd	SHS	Job No.	2115	Date:	01-04-16	Scale	1" = 40'
								Rev.:	03-02-16		



**SHERILL H. STYERS**  
Land Surveyor  
6004 AYR COURT  
RALEIGH, N.C. 27609  
(919) 787-9149



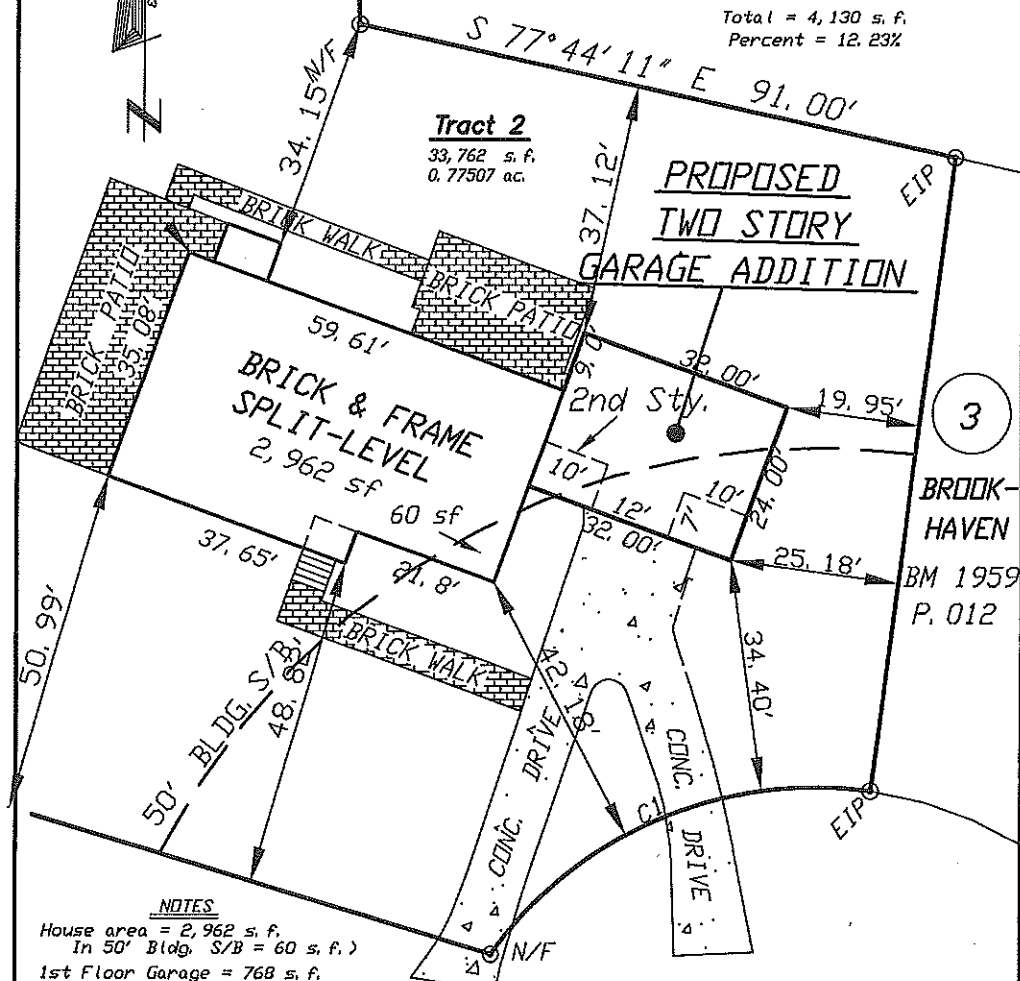
Property of:  
**KENNETH S. GRAY & wife**  
**ANN E. GRAY**

RALEIGH, WAKE COUNTY, NORTH CAROLINA



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PRELIMINARY

Surv'd SHS Drawn SHS Chk'd SHS Job No. 2115 Date: 01-04-16 Scale 1" = 20'  
 Rev. 03-08-16

**SHERRILL H. STYERS**  
 Land Surveyor  
 6004 AYR COURT  
 RALEIGH, N.C. 27609  
 (919) 787-9149

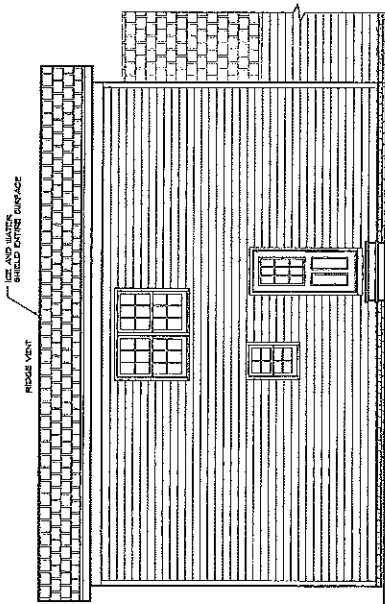


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RALEIGH, WAKE COUNTY, NORTH CAROLINA

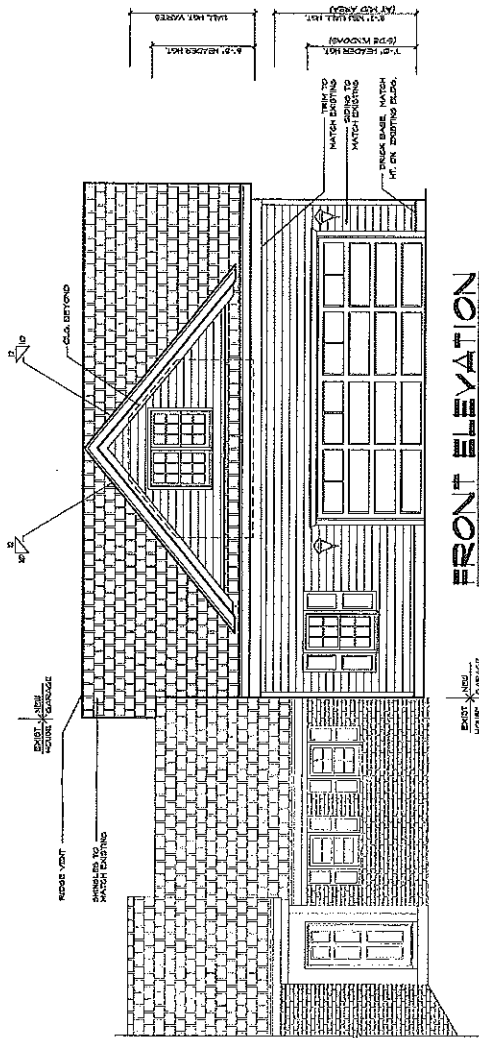
**ROOFS**  
IF USE ICE AND WATER SHIELD AT ALL ROOF PLANS SLOPED BELOW 4:12.  
SEE FLOOR PLANS, ROOF PLAN AND/OR ROOF RAISING DETAIL SHEET FOR PLATE HEIGHTS AT RAFTER AND/OR TRUSS BEARING LOCATIONS.  
**ROOF VENTILATION**  
SEE ROOF PLAN FOR ATTIC VENTILATION

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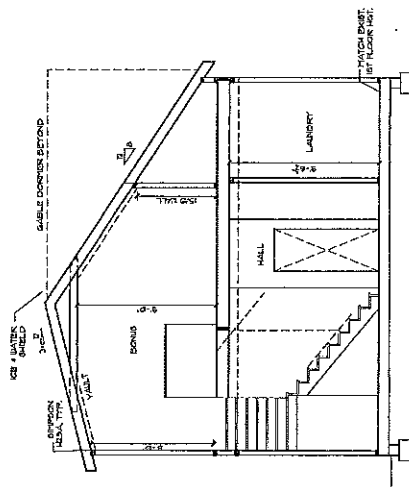
22X34 PRINTS SCALE: 1/4"=1'-0"  
18" PRINTS SCALE: 1/8"=1'-0"

**REAR ELEVATION**  
 22X34 PRINTS SCALE: 1/4"=1'-0"  
 1/8" PRINTS SCALE: 1/8"=1'-0"



22X34 PRINTS SCALE: 1/4"=1'-0"  
11X17 PRINTS SCALE: 1/8"=1'-0"

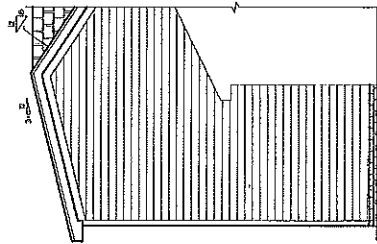
**FRONT ELEVATION**  
22X34 PRINTS SCALE: 1/4"=1'-0"  
16X17 PRINTS SCALE: 1/8"=1'-0"



1  
22X34 PRINTS SCALE: 1/4"=1'-0"  
16X17 PRINTS SCALE: 1/8"=1'-0"

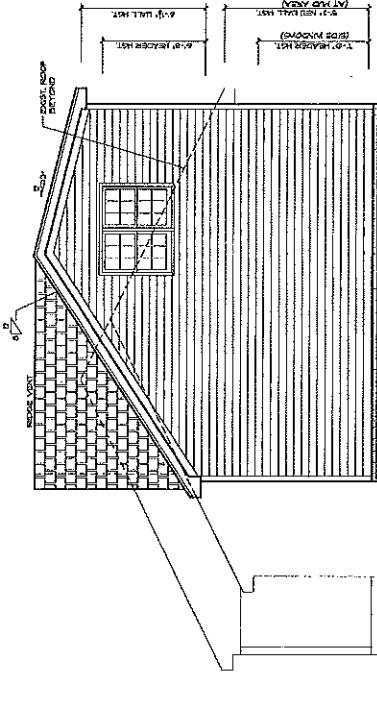
**1 BUILDING SECTION**  
22X34 PRINTS SCALE: 1/4" = 1'-0"  
18X17 PRINTS SCALE: 1/8" = 1'-0"

==NOTE: DETAILS PROVIDED ARE FOR FLAT FLOOR ONLY.  
REFER TO STRUCTURAL SHEETS TO CONFIRM FLOOR FINISH SIZE &  
DIRECTIONS; RAFTER SIZE & DIRECTIONS; AND ROOF OVERLAP.



22X34 PRINTS SCALE: 1/4"=1'-0"  
11X17 PRINTS SCALE: 1/8"=1'-0"

22X34 PRINTS SCALE: 1/4"=1'-0"  
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22X34 PRINTS SCALE: 1/4"=1'-0"  
11X17 PRINTS SCALE: 1/8"=1'-0"

DAUGHTER  
HOUSE

PERSON'S NAME	
BIRTH DATE	
DEATH DATE	
GR	
BY	
REMARKS	
DATE	7-28-07

**Building Section**

**SHEET NO.**

PLAN NO. D-000001E

PLAN NO. D-000001E

Gray Residence  
Garage/Bonus Addition  
4610 Joyner Place  
Raleigh, NC, Preliminary, N/C

**GABRIEL DESIGN**  
CONSTRUCTION PLANS & DESIGN

CI 0200-4

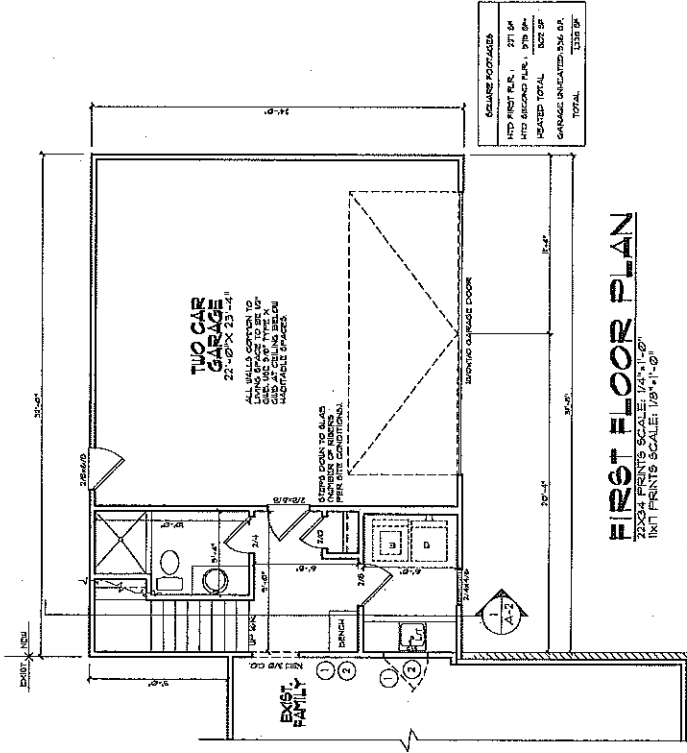
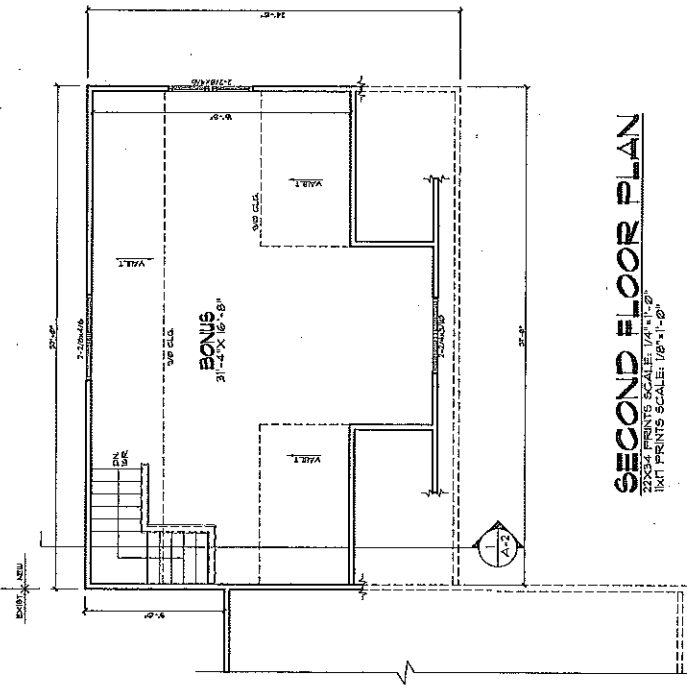
WALL KEY	
	EXISTING WALLS
	EXISTING WALLS w/ BRICK
	NEW WALLS
	WALL TO BE FILLED IN
	EXISTING WALLS TO BE REMOVED

ARCHITECTURAL PLANS WALL LEGEND	
	NEW EXTERIOR WALL, NOT ON LOT
	EXISTING EXTERIOR WALL, NOT ON LOT
	WALL THICKNESS OF WALL NOTED IN PLAN NOTES ON AT WALL LOCATION
	WALL THICKNESS OF WALL NOTED IN PLAN NOTES ON AT WALL LOCATION
	WALL THICKNESS OF WALL NOTED IN PLAN NOTES ON AT WALL LOCATION

RENOVATION KEY	
1	REMOVE EXISTING DOOR / WINDOW
2	FILL IN OPENING
3	PARTIAL FILL-IN
4	REMOVE WALL
5	REMOVE 4 REUSE DOOR / WINDOW

ADDITION / RENOVATION NOTES	
1	CONSTRUCTION SHALL BE IN ACCORDANCE WITH ALL CONDITIONS SPECIFIED IN THE CONTRACT DOCUMENTS.
2	PERMANENTLY EXISTING AREAS TO REMAIN EXIST.
3	ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH ALL CONDITIONS SPECIFIED IN THE CONTRACT DOCUMENTS.
4	ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH ALL CONDITIONS SPECIFIED IN THE CONTRACT DOCUMENTS.
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10	ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH ALL CONDITIONS SPECIFIED IN THE CONTRACT DOCUMENTS.

GENERAL NOTES	
1	WALL THICKNESS SHALL BE AS NOTED ON THE PLAN.
2	ALL EXTERIOR WALLS SHALL BE CONCRETE WITH FINISH AS NOTED ON THE PLAN.
3	ALL INTERIOR WALLS SHALL BE GYPSUM BOARD WITH FINISH AS NOTED ON THE PLAN.
4	ALL EXTERIOR WALLS SHALL BE CONCRETE WITH FINISH AS NOTED ON THE PLAN.
5	ALL EXTERIOR WALLS SHALL BE CONCRETE WITH FINISH AS NOTED ON THE PLAN.
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10	ALL EXTERIOR WALLS SHALL BE CONCRETE WITH FINISH AS NOTED ON THE PLAN.



SQUARE FOOTAGES	
INT FIRST FLOOR	271 SF
INT SECOND FLOOR	578 SF
HEATED TOTAL	849 SF
GARAGE UNHEATED 224 SF	
TOTAL	1073 SF




[Home](#)

## Wake County Real Estate Data Account Summary

[iMaps](#)
[Tax Bills](#)
Real Estate ID **0060823** PIN # **0796420634**
[Account Search](#)
Location Address  
**4610 JOYNER PL**Property Description  
**BROOKHAVEN SUB TR2 BM2002-00862**
[Pin/Parcel History](#) [Search Results](#) [New Search](#)
[NORTH CAROLINA](#) [Account](#) | [Buildings](#) | [Land](#) | [Deeds](#) | [Notes](#) | [Sales](#) | [Photos](#) | [Tax Bill](#) | [Map](#)


<b>Property Owner</b> <b>GRAY, KENNETH STEWART</b> <b>GRAY, ANN ELIZABETH</b> (Use the Deeds link to view any additional owners)		<b>Owner's Mailing Address</b> <b>4610 JOYNER PL</b> <b>RALEIGH NC 27612-5718</b>	<b>Property Location Address</b> <b>4610 JOYNER PL</b> <b>RALEIGH NC 27612-5718</b>
<b>Administrative Data</b> Old Map # <b>406-00000-0320</b> Map/Scale <b>0796 14</b> VCS <b>07RA065</b> City <b>RALEIGH</b> Fire District Township <b>HOUSE CREEK</b> Land Class <b>R-&lt;10-HS</b> ETJ <b>RA</b> Spec Dist(s) Zoning <b>R-4</b> History ID 1 History ID 2 Acreage <b>.78</b> Permit Date Permit #		<b>Transfer Information</b> Deed Date <b>6/30/2014</b> Book & Page <b>15706 1770</b> Revenue Stamps <b>910.00</b> Pkg Sale Date <b>6/30/2014</b> Pkg Sale Price <b>\$455,000</b> Land Sale Date Land Sale Price  <b>Improvement Summary</b> Total Units <b>1</b> Recycle Units <b>1</b> Apt/SC Sqft Heated Area <b>2,984</b>	<b>Assessed Value</b> Land Value Assessed <b>\$146,000</b> Bldg. Value Assessed <b>\$304,459</b>  Tax Relief  Land Use Value Use Value Deferment Historic Deferment Total Deferred Value  Use/Hist/Tax Relief Assessed Total Value <b>\$450,459</b> Assessed*

\*Wake County assessed building and land values reflect the market value as of January 1, 2016, which is the date of the last county-wide revaluation. Any inflation, deflation or other economic changes occurring after this date does not affect the assessed value of the property and cannot be lawfully considered when reviewing the value for adjustment.

The January 1, 2016 values will remain in effect until the next county-wide revaluation. Until that time, any real estate accounts created or new construction built is assessed according to the 2016 Schedule of Values.

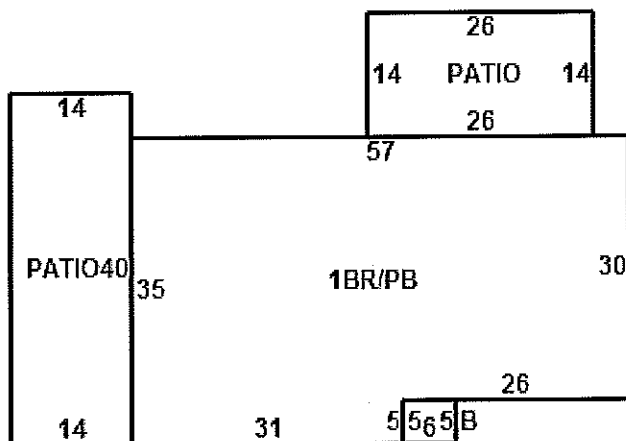
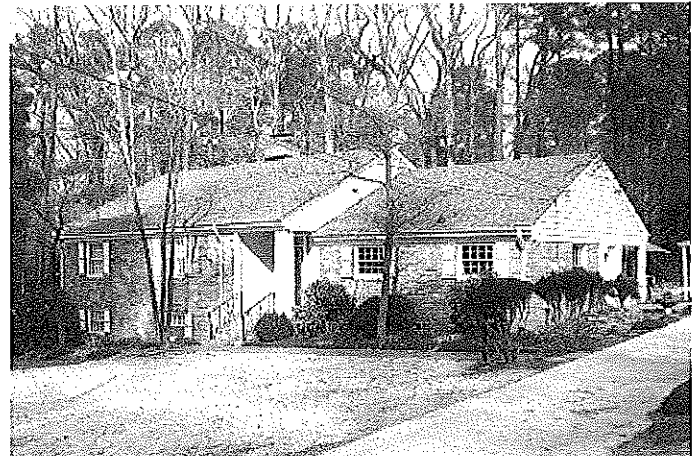
For questions regarding the information displayed on this site, please contact the Revenue Department at [RevHelp@wakegov.com](mailto:RevHelp@wakegov.com) or call 919-856-5400.

Real Estate ID **0060823**PIN # **0796420634**Account  
SearchLocation Address  
**4610 JOYNER PL**Property Description  
**BROOKHAVEN SUB TR2 BM2002-00862**[Pin/Parcel History](#) [Search Results](#) [New Search](#)[Account](#) | [Buildings](#) | [Land](#) | [Deeds](#) | [Notes](#) | [Sales](#) | [Photos](#) | [Tax Bill](#) | [Map](#)

Building Location Address <b>4610 JOYNER PL</b>		Building Description <b>07RA065</b>	Card <b>01</b> Of <b>01</b>
Bldg Type	<b>01 Single Family</b>	Year Blt <b>1962</b> Eff Year <b>2002</b>	Base Bldg Value <b>\$199,986</b>
Units	<b>1</b>	Addns Remod	Grade <b>A+20 173%</b>
Heated Area	<b>2,984</b>	Int. Adjust. <b>BSMT-Fully Finished</b>	Cond % <b>B 88%</b>
Story Height	<b>1 Story</b>		Market Adj.
Style	<b>Split Level</b>		Market Adj.
Basement	<b>60% Partial Bas</b>	Other Features <b>One Fireplace</b>	Accrued % <b>88%</b>
Exterior	<b>Brick</b>		Incomplete Code
Const Type			<b>Card 01 Value \$304,459</b>
Heating	<b>Central</b>		All Other Cards
Air Cond	<b>Central</b>		Land Value Assessed <b>\$146,000</b>
Plumbing	<b>3 BATH</b>		Total Value Assessed <b>\$450,459</b>

Main and Addition Summary					Other Improvements				
Story	Type	Code	Area	Inc	Units	DesItem	Code	Year %ADJ	Inc Value
M	1	BR/PB	1865						
A		PATIO	\$ 560						
B		OP	R 30						
C		PATIO	\$ 364						
D									
E									
F									
G									
H									

Building Sketch

Photograph  
1/29/2015

0060823 01/29/2015